IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 548 of 2007()

CRLMC.69/2007 of D.C. & SESSIONS COURT, ERNAKULAM

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PETITIONERS/ACCUSED :

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1. JOHN PAUL, AGED 22 YEARS, S/O.JOY,
KURISUMKAN HOUSE, THUNDATHUMKADAVU, VARAPUZHA.

2. JIFIL JOSEPH @ JIBILAN, AGED 32 YEARS,
S/O.JOSEPH THAIPARAMBIL HOUSE,
THUNDATHUMKADAVU, VARAPUZHA.

BY ADV. SRI.AMJAD ALI
SRI.B.PREMOD

RESPONDENTS:

SUB INSPECTOR OF POLICE,
VARAPUZHA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 548 of 2007

DATED: 01-02- 2007

O R D E R

Petitioners who are accused Nos. 2 and 3 in Crime No. 286 of 2006 of Varappuzha Police Station for for an offence punishable under Sec. 326 I.P.C. , seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The learned Sessions Judge, Ernakulam also did not grant anticipatory bail to the petitioners while granting pre-arrest bail to the other accused. Anticipatory bail cannot be granted to the petitioners against whom specific overt acts are attributed and the de facto complainant had sustained injuries including fractures at the hands of the petitioners. But at the same time, I am inclined to allow the petitioners to surrender before the investigating officer for interrogation and then have their regular bail application disposed of by the Magistrate concerned. Accordingly, petitioners shall surrender before the Investigating Officer on any day between 5-02-2007 and 07-02-2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. Petitioners shall thereafter be produced on the same day before the Magistrate concerned who shall release the petitioners on bail on adequate conditions.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

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